



FEB 09 2007

MEMORANDUM FOR EDWARD P. CLAIR
JEFFREY A. DUNCAN
GEORGE M. FESAK
FELIX QUINTANA
MARK E. SKILES
KEVIN STRICKLIN

FROM: RICHARD E. STICKLER
Assistant Secretary for
Mine Safety and Health

A handwritten signature in dark ink, reading "Richard E. Stickler".

SUBJECT: Process for Determining Chargeability of
Fatal Accidents

Attached is a Fatal Injury Guideline Matrix that will be applied when making chargeability determinations after fatal accidents. The District Manager is initially responsible for determining whether a death is to be counted as a reportable death in MSHA's official statistics. All decisions by the District Manager are to be reviewed by the Administrator.

When the evidence documented does not conclusively show that the death is chargeable, the Administrator will request that MSHA's Fatality Review Committee provide their review and decision.

The Fatality Review Committee has four members:

- a. Committee Chair: Director or Deputy Director, PEIR
- b. Director or Deputy Director, Technical Support
- c. Director or Deputy Director, Educational Policy and Development
- d. Associate or Deputy Associate Solicitor for MSHA

The decision made by the Fatality Review Committee should be unanimous and will be final. The decision of the committee will be provided to the Assistant Secretary, Deputy Assistant Secretaries and the Administrator.

Attachment

Fatal Injury Guideline Matrix

